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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,699	10/29/2003	Christoph Pelchen	ZAHFRI P560US	5567

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EXAMINER

ESTREMSKY, SHERRY LYNN

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,699

Applicant(s)

PELCHEN ET AL.

Examiner

Sherry L Estremsky

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-29-03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

The receipt of the amendments dated October 29, 2003 and February 6, 2004 of the application 10/695,699, including amendments to the specification, cancellation of claims 1-5, and addition of claims 6-10, is acknowledged.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 6 is objected to because of the following informality: In line 1 of claim 6, the second "a" should be --an--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al., U. S. Patent 4,770,266.

Yamaguchi et al. shows in figure 3 an auxiliary transmission (transfer) 20 with a controllable clutch 45 for an optional distribution of a drive output torque to one or more output shafts, one of which is numbered 22 and the other of which includes the flange 35, (column 3, lines 55-57), with a reduction gear stage including gears 25-28 and clutches 23 and 24 (column 5, lines 40-58), and with a hydraulic pump 39 (column 6, line 17). The hydraulic pump 39 is arranged on a transmission input shaft 21 (column 6, lines 17-18), and the reduction gear stage is connected in series in such a manner that a drive input power to the hydraulic pump 39 remains at least approximately the same when a range change takes place in the reduction gear stage (due to the pump's being mounted on the input shaft):

(claim 6)

The transmission input shaft 21 is mounted in a housing 29 of the auxiliary transmission 20 and the hydraulic pump 39 is arranged outside mountings (bearings are shown immediately to the left of the clutch 23 and in a recess within the output shaft 22) of the transmission input shaft 21.

(claim 7)

Allowable Subject Matter

5. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 4,840,246 (Yamakawa et al.) June 1989 - discloses an auxiliary transmission with a controllable clutch and a hydraulic pump mounted on the input shaft of the auxiliary transmission, the input shaft being mounted in a housing of the transmission and the pump being mounted outside mountings of the input shaft.

U. S. Patent 5,066,268 (Kobayashi) November 1991 - discloses a hydraulic pump associated with an auxiliary transmission, the pump being mounted in and driven by a main transmission unit.

U. S. Patent 5,704,867 (Bowen) January 1998 and U. S. Patent 5,924,952 (Bowen) July 1999 each disclose an auxiliary transmission with a controllable clutch, a reduction gear stage, and a hydraulic pump arranged on the input shaft of the auxiliary transmission. The pump and reduction gear stage are connected in series such that a drive input power to the hydraulic pump remains the same when a range change takes place. An electric motor actuates the reduction gear range, but not the clutch.

U. S. Patent 6,533,692 (Bowen) March 2003 - discloses an auxiliary transmission with a hydraulic pump mounted and driven in such a way that operation of the auxiliary transmission and the main transmission do not effect the power input to the pump.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry L Estremsky whose telephone number is (703) 308-2164. The examiner can normally be reached on Tuesday and Friday from 7:30 a.m. to 6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SHERRY ESTREMSKY
PRIMARY EXAMINER
AU3681 12-10-04